

DEC 05 2018

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NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

EVANGELOS BITSAKIS, an individual;
TOULA BITSAKIS, an individual;
ENIGMA BAR, INC., a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

18STCV07231
Case No..

COMPLAINT FOR ABATEMENT AND
INJUNCTION

[Health & Saf. Code section 11570, et
seq.; Civil Code section 3479, et seq.;
Business and Professions Code section
17200, et seq.]

(Unlimited Action)

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California, for the purpose of abating and enjoining a dangerous, narcotics- and gang-related public nuisance existing at Enigma Bar, located at 1323 S. Pacific Ave., in the San Pedro neighborhood of Los Angeles. Defendants EVANGELOS BITSAKIS and TOULA BITSAKIS are the owners of the property on which Enigma Bar is located, and they also own and operate Enigma Bar through their corporation, Defendant ENIGMA BAR, INC. This Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.*; the Public Nuisance Law ("PNL"), California Civil

1 Code section 3479, *et seq.*; and the Unfair Competition Law ("UCL"), California Business
2 and Professions Code section 17200, *et seq.*

3 2. Enigma Bar is a known stronghold for a violent criminal street gang known as
4 Rancho San Pedro ("RSP"). RSP gang members and their associates use the bar as a
5 meeting place and anchor point for their criminal activities. Moreover, Enigma Bar
6 employees actively facilitate and participate in the sale of illegal narcotics by RSP at the
7 bar. The RSP gang members who frequent Enigma Bar are often armed, as evidenced by
8 multiple shootings that have occurred at the bar. The repeated occurrence of violent crimes
9 and narcotics sales at Enigma Bar poses a serious, ongoing threat to public safety in the
10 community where the bar is located.

11 3. The photo below depicts an RSP gang member brandishing a handgun inside
12 the bar, surrounded by other gang members who are throwing up RSP gang signs:



1 The regular, continuous presence of RSP gang members at Enigma Bar has resulted in
2 multiple violent crimes at the bar in recent years, including murder, attempted murder,
3 assault with a deadly weapon, and robbery.

4 4. Most recently, on November 11, 2018, Enigma Bar was the scene of a
5 shooting involving an intoxicated, 14-year-old RSP gang member. In the hours leading up
6 to the shooting, Enigma Bar employees served alcohol to the 14-year old. Surveillance
7 video from inside the bar shows the teenager drinking, talking, and hanging out, including in
8 a private room at the rear of the bar. After several hours of drinking inside Enigma Bar, the
9 14-year-old shot a man outside the bar who had accidentally bumped into him while
10 walking past. Since 2016, five people have been shot, and one person killed, in three
11 separate shootings in front of Enigma Bar.

12 5. To date, Defendants have refused to implement sufficient remedial measures
13 at Enigma Bar, despite Plaintiff's efforts to obtain their voluntary cooperation. On March 29,
14 2018, the Los Angeles City Attorney's Office sent a letter to the home mailing address of
15 Defendant property owners EVANGELOS and TOULA BITSAKIS, notifying them of the
16 nuisance criminal activity at Enigma Bar. The property owners did not directly respond to
17 the letter. Instead, personnel from the City Attorney's Office received a voicemail from
18 someone who identified herself as "Stephanie," and stated she was calling "on behalf of
19 Enigma Bar." Plaintiff made multiple, but ultimately unsuccessful, attempts to get in touch
20 with "Stephanie." To date, Plaintiff has not received any response from Defendants
21 EVANGELOS BITSAKIS or TOULA BITSAKIS, the individuals to whom the letter was
22 addressed. Following these efforts to obtain Defendants' cooperation, criminal nuisance
23 activity at Enigma Bar has continued, unabated.

24 6. The People bring this Action to protect the health and safety of the community
25 surrounding Enigma Bar and to obtain an injunction preventing the recurrence of
26 dangerous criminal activity at the bar.

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1 II. THE PARTIES AND THE PROPERTY

2 A. Plaintiff

3 7. Plaintiff, the People, is the sovereign power of the State of California
4 designated in Code of Civil Procedure section 731 and Health and Safety Code section
5 11571 to be the complaining party in actions brought to abate, enjoin, and penalize public
6 nuisances and narcotics nuisances, respectively. Further, the City of Los Angeles has a
7 population in excess of 750,000, and as such, Business and Professions Code section
8 17204 authorizes Plaintiff, the People, to prosecute actions for relief under Business and
9 Professions Code section 17200, *et seq.* for unfair competition.

10 B. The Defendants

11 8. Defendants EVANGELOS BITSAKIS and TOULA BITSAKIS purchased the
12 property where Enigma Bar is located (the "Property") on or about July 22, 2002. They own
13 the Property as joint tenants.

14 9. Defendant ENIGMA BAR, INC. is a California corporation and the owner and
15 operator of Enigma Bar. ENIGMA BAR, INC. has operated Enigma Bar on the Property
16 since approximately 2003.

17 10. Defendants EVANGELOS BITSAKIS and TOULA BITSAKIS are the sole
18 officers and directors of Defendant ENIGMA BAR, INC. EVANGELOS BITSAKIS is its
19 Chief Executive Officer, Chief Financial Officer, and Agent for Service of Process; TOULA
20 BITSAKIS is the company's Secretary.

21 11. The true names and capacities of Defendants sued herein as DOES 1
22 through 50, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such
23 fictitious names. When the true names and capacities of said Defendants have been
24 ascertained, Plaintiff will ask leave of the Court to amend this Complaint and to insert in lieu
25 of such fictitious names the true names and capacities of said fictitiously named
26 Defendants.

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1 **C. Enigma Bar and the Property**

2 12. The Property consists of three, side-by-side, commercial units:



14 The entrance to Enigma Bar is located at the commonly-known address of 1323 S. Pacific
15 Ave., San Pedro, CA 90731. The adjacent unit, located at 1321 S. Pacific Ave., is currently
16 used as a back office in connection with the operation of the bar. The third unit, located at
17 1319 S. Pacific Ave., appears to be vacant.

18 13. In or around 2016, an unlicensed marijuana business was operating in the
19 unit located at 1321 S. Pacific Ave. (which now serves as the back office for Enigma Bar).
20 The marijuana business ceased operating only after Defendants EVANGELOS and TOULA
21 BITSAKIS were charged with misdemeanor violations of Los Angeles Municipal Code
22 sections 45.19.6.2(A) and 12.21(A)(1)(a).

23 14. The Property's legal description is "Lot 12 of Block 13 of Rudecinda Tract, in
24 the City of San Pedro, County of Los Angeles, State of California as per map recorded in
25 Book 4, Page(s) 43, of Maps in the Office of the County Recorder of said County," with
26 Assessor's Parcel Number 7454-026-012.

27 **III. THE NARCOTICS ABATEMENT LAW**

28 15. Since its enactment in 1972, the principal purpose of the NAL, Health and
 Safety Code section 11570, *et seq.*, has been the abatement of buildings and places "used

1 for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving
2 away any controlled substance, precursor, or analog specified in this division" (Health
3 & Saf. Code, § 11570.)

4 16. The NAL provides that every building or place used for such a purpose, and
5 every building or place where such acts take place, "is a nuisance which *shall be* enjoined,
6 abated, and prevented, . . . whether it is a public or private nuisance." (Health & Saf. Code,
7 § 11570, italics added; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 871 ["The
8 Legislature has resolved any doubt as to the question of whether a so-called 'drug house' is
9 a nuisance through the enactment of section 11570 of the Health and Safety Code"].)

10 17. Health and Safety Code section 11571 authorizes a city attorney to bring an
11 action to abate, prevent, and perpetually enjoin such nuisances. It provides, in pertinent
12 part, "If there is reason to believe that a nuisance, as described in Section 11570, is kept,
13 maintained, or exists in any county, . . . the city attorney of any incorporated city or of any
14 city and county, in the name of the people, may . . . maintain an action to abate and prevent
15 the nuisance and to perpetually enjoin the person conducting or maintaining it, and the
16 owner, lessee, or agent of the building or place in or upon which the nuisance exists from
17 directly or indirectly maintaining or permitting the nuisance." (*Ibid.*)

18 18. Health and Safety Code section 11573, subdivision (a) provides, "If the
19 existence of the nuisance is shown in the action to the satisfaction of the court or judge,
20 either by verified complaint or affidavit, the court or judge *shall allow* a temporary
21 restraining order or injunction to abate and prevent the continuance or recurrence of the
22 nuisance." (Italics added.) In addition, Health and Safety Code section 11581, subdivisions
23 (a) and (b) provide, as additional remedies, for the removal and sale of all fixtures and
24 movable property on the premises used in aiding or abetting the nuisance, and for the
25 closure of the building for a period of one year.

26 IV. THE PUBLIC NUISANCE LAW

27 19. "Abatement of nuisances is a long established and well recognized exercise
28 of the state's police power." (*People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556,

1 563; *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-778.) Civil Code
2 section 3479 defines a nuisance as “[a]nything which is injurious to health, including, but
3 not limited to, the illegal sale of controlled substances, or is indecent or offensive to the
4 senses, or an obstruction to the free use of property, so as to interfere with the comfortable
5 enjoyment of life or property” (*Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 [“The
6 Legislature has defined in general terms the word ‘nuisance’ in Civil Code section 3479
7”].)

8 20. “A public nuisance is one which affects at the same time an entire community
9 or neighborhood, or any considerable number of persons, although the extent of the
10 annoyance or damage inflicted upon individuals may be unequal.” (Civil Code, § 3480.)

11 21. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs,
12 and boisterous conduct which creates a hooligan-like “atmosphere” constitute a public
13 nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

14 22. Under Civil Code section 3491, “The remedies against a public nuisance are:
15 1. Indictment or information; 2. A civil action; or, 3. Abatement.” “An abatement of a
16 nuisance is accomplished by a court of equity by means of an injunction proper and
17 suitable to the facts of each case. [Citation.]” (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

18 23. Code of Civil Procedure section 731 authorizes a city attorney to bring an
19 action to enjoin or abate a public nuisance. It provides, in pertinent part, “A civil action may
20 be brought in the name of the people of the State of California to abate a public nuisance
21 . . . by the city attorney of any town or city in which the nuisance exists.” (*Ibid.*)

22 V. UNFAIR COMPETITION LAW

23 24. The UCL, at Business and Professions Code section 17200 *et seq.*, forbids
24 any business practices otherwise forbidden by law, be it criminal, federal, state, municipal,
25 statutory, regulatory, or court-made. As the California Supreme Court has explained, the
26 UCL “ ‘borrows’ violations of other laws and treats them as unlawful practices
27 independently actionable under section 17200 *et seq.*” ’ (*Hewlett v. Squaw Valley Ski*
28 *Corp.* [(1997)] 54 Cal. App. 4th [499,] 531-532, citing *Saunders v. Superior Court* [(1994)]

1 27 Cal. App. 4th [832,] 838-839[.]” (*South Bay Chevrolet v. General Motors Acceptance*
2 *Corp.* (1999) 72 Cal.App.4th 861, 880.)

3 25. As proscribed by the UCL, “[a]n ‘unlawful business activity’ includes
4 ‘“anything that can properly be called a business practice and that at the same time is
5 forbidden by law.” ’ [Citation.]” (*People v. McKale* (1979) 25 Cal.3d 626, 632.) For example,
6 an enterprise engaged entirely in criminal conduct such as the manufacture of illegal drugs
7 or obscene matter is a business activity for purposes of section 17200. (*People v.*
8 *E.W.A.P., Inc.* (1980) 106 Cal.App.3d 315, 320-321.) When a property owner conducts,
9 maintains, or permits a nuisance that is unlawful under the PNL and/or NAL to exist on the
10 premises of a business, it is a violation of the UCL. (See *City and County of San Francisco*
11 *v. Sainez* (2000) 77 Cal.App.4th 1302, 1305-1308.)

12 26. Moreover, the UCL casts a broad net. “Any person who engages, has
13 engaged, or proposes to engage in unfair competition may be enjoined in any court of
14 competent jurisdiction.” (Bus. & Prof. Code, § 17203.) The term “person” includes “natural
15 persons, corporations, firms, partnerships, joint stock companies, associations and other
16 organizations of persons.” (Bus. & Prof. Code, § 17201.) Liability under section 17200 may
17 be imposed where the evidence establishes the defendant’s participation in the unlawful
18 practice, “either directly or by aiding and abetting the principal.” (*People v. Toomey* (1984)
19 157 Cal.App.3d 1, 15.) Further, a managing officer “with control over the operation of the
20 business is personally responsible for acts of subordinates done in the normal course of
21 business.” (*Ibid.*)

22 27. Civil actions under the UCL may be brought in the name of the People of the
23 State of California by any city attorney of a city having a population in excess of 750,000
24 (Bus. & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue
25 pursuant to section 17200 based on violations of its own municipal code or other local
26 ordinance. (See, e.g., *People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th
27 330, 338-339.)

28 28. Defendants engaging in violations of the UCL may be enjoined in any court of

1 competent jurisdiction. (Bus. & Prof. Code, § 17203.) A court may make such orders or
2 judgments, including the appointment of a receiver, as may be necessary to prevent the
3 use or employment by any person of any practice constituting unfair competition. (*Ibid.*)

4 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

5 **[Health & Safety Code section 11570, *et seq.* --**

6 **Against All Defendants and DOES 1 through 50]**

7 29. Plaintiff incorporates by reference Paragraphs 1 through 28 of this Complaint
8 and makes them part of this First Cause of Action as though fully set forth herein.

9 30. Since at least 2016, and continuing through the present, Enigma Bar has
10 been used, and is currently being used, for the purposes of unlawfully selling, serving,
11 storing, keeping, manufacturing, and/or giving away controlled substances in violation of
12 Health and Safety Code section 11570, *et seq.* Enigma Bar has a reputation in the
13 community as a place where narcotics are bought and sold.

14 31. Defendants, and DOES 1 through 50, are responsible for conducting,
15 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff
16 has no plain, speedy, and adequate remedy at law, and unless Defendants and DOES 1
17 through 50 are restrained and enjoined by order of this Court, they will continue to use,
18 occupy, and maintain, and/or to aid, abet, or permit, directly or indirectly, the use,
19 occupation, and maintenance of the Property, together with the fixtures and appurtenances
20 located therein, for the nuisance complained of herein, to the great and irreparable damage
21 of Plaintiff and in violation of California law.

22 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

23 **[Civil Code Section 3479, *et seq.* --**

24 **Against All Defendants and DOES 1 through 50]**

25 32. Plaintiff incorporates by reference Paragraphs 1 through 31 of this Complaint
26 and makes them part of this Second Cause of Action as though fully set forth herein.

27 33. Since at least 2016, and continuing through the present, Defendants and
28 DOES 1 through 50 have owned, operated, managed, and used Enigma Bar, and/or

1 directly or indirectly permitted Enigma Bar to be occupied and used, in such a manner as to
2 constitute a public nuisance in accordance with Civil Code sections 3479 and 3480. The
3 public nuisance, as described herein, is injurious to health, indecent or offensive to the
4 senses, and/or an obstruction to the free use of property, so as to substantially and
5 unreasonably interfere with the comfortable enjoyment of life or property by those persons
6 living in the surrounding community. The public nuisance consists of, but is not limited to,
7 illegal narcotics sales inside Enigma Bar; the regular, menacing, intimidating, violent, and
8 disorderly presence of gang members and/or their associates at Enigma Bar; and the
9 occurrence of violent crimes at and directly related to Enigma Bar.

10 34. Defendants and DOES 1 through 50, who own and/or control the Property
11 and Enigma Bar, knew or should have known about the open and obvious nuisance activity
12 at Enigma Bar and failed to take reasonable steps to prevent or abate the ongoing
13 nuisance, and as a result of this failure and their mismanagement of Enigma Bar, they have
14 caused and/or contributed to a serious threat to the general health, safety, and welfare of
15 persons in the surrounding community.

16 35. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
17 order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or
18 permit, directly or indirectly, the use, occupation, and maintenance of Enigma Bar, together
19 with the fixtures and appurtenances located therein, for the purpose complained of herein,
20 to the great and irreparable damage of Plaintiff and in violation of California law.

21 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

22 **[Business and Professions Code Section 17200, *et seq.* --**

23 **Against All Defendants and DOES 1 through 50]**

24 36. Plaintiff incorporates by reference Paragraphs 1 through 35 of this Complaint
25 and makes them part of this Third Cause of Action as though fully set forth herein.

26 37. Ownership and operation of a bar, such as Enigma Bar, is a business.
27 Further, the illegal sale of narcotics is a business. When the owner or operator of such a
28 business violates the NAL and/or the PNL such that a nuisance exists and flourishes at the

1 business's premises, as alleged herein, it is also a violation of the UCL.

2 38. Defendants and DOES 1 through 50 have violated the UCL by conducting,
3 maintaining, and/or permitting, directly or indirectly, a nuisance in violation of the NAL and
4 the PNL at Enigma Bar, as alleged herein.

5 40. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1
6 through 50 are restrained by this Court they will continue to commit unlawful business
7 practices or acts, thereby causing irreparable injury and harm to the public's welfare.

8 **PRAYER**

9 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
10 **DECREE AS FOLLOWS:**

11 **AS TO THE FIRST CAUSE OF ACTION**

12 1. That Defendants, DOES 1 through 50, and the Property, be declared in
13 violation of California Health and Safety Code section 11570, *et seq.*

14 2. That the Property, together with the fixtures and moveable property therein
15 and thereon, be found to constitute a public nuisance and be permanently abated as such
16 in accordance with section 11581 of the Health and Safety Code.

17 3. That the Court grant a preliminary and/or permanent injunction and order of
18 abatement in accordance with section 11570, *et seq.* of the Health and Safety Code,
19 enjoining and restraining each Defendant and their agents, officers, employees, and
20 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping,
21 manufacturing, or giving away controlled substances on the Property.

22 4. That as part of the Judgment, an Order of Abatement be issued, and that
23 Enigma Bar be closed for a period of one year, not to be used for any purpose, and be
24 under the control and custody of this Court for said period of time.

25 5. That the Court order physical and managerial improvements to the Property
26 in accordance with Health and Safety Code section 11573.5 including, but not limited to,
27 the following: an internet-connected video monitoring system accessible by LAPD;
28 improved lighting; the presence of armed, licensed security guards at the Property during

1 all hours of operation; and such other orders as are appropriate to remedy the nuisance on
2 the Property and enhance the abatement process.

3 6. That Defendants be assessed a civil penalty in an amount not to exceed
4 \$25,000.00 each.

5 7. That all fixtures and moveable property used in conducting, maintaining,
6 aiding, or abetting the nuisance at the Property be removed and sold in the manner
7 provided for the sale of chattels under execution. Said fixtures and property shall be
8 inventoried and a list prepared and filed with this Court.

9 8. That there shall be excepted from said sale, such property to which title is
10 established in some third party not a defendant, nor agent, officer, employee, or servant of
11 any defendant in this proceeding.

12 9. That the proceeds from said sale be deposited with this Court for payment of
13 the fees and costs of sale. Such costs may occur in closing said Property and keeping it
14 closed, removal of said property, and Plaintiff's costs in the Action, including attorneys'
15 fees, and such other costs as the Court shall deem proper.

16 10. That if the proceeds of the sale do not fully discharge all such costs, fees, and
17 allowances, the Property shall also be sold under execution issued upon the order of the
18 Court or judge and the proceeds of such sale shall be applied in a like manner. That any
19 excess monies remaining after payment of approved costs shall be delivered to the owner
20 of said Property. Ownership shall be established to the satisfaction of this Court.

21 11. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
22 employees, and anyone acting on their behalf, and their heirs and assignees, be
23 perpetually enjoined from transferring, conveying, or encumbering any portion of the
24 Property, for consideration or otherwise, without first obtaining the Court's prior approval.

25 12. That Defendants, and DOES 1 through 50, be ordered to immediately notify
26 any transferees, purchasers, commercial lessees, or other successors in interest to the
27 subject Property of the existence and application of this lawsuit, any temporary restraining
28 order, and any preliminary or permanent injunction, *before* entering into any agreement to

1 sell, lease, or transfer, for consideration or otherwise, all or any portion of the Property that
2 is the subject of this Action.

3 13. That Defendants, and DOES 1 through 50, be ordered to immediately give a
4 complete, legible copy of any temporary restraining order, and any preliminary or
5 permanent injunctions, to all prospective transferees, purchasers, lessees, or other
6 successors in interest to the Property.

7 14. That Defendants, and DOES 1 through 50, be ordered to advise the City
8 Attorney's Office in writing, c/o Deputy City Attorney Drew A. Robertson or her designee, of
9 any prospective transferees, purchasers, lessees, or other successors in interest to the
10 subject Property at least 30 days prior to the close of escrow.

11 15. That Defendants, and DOES 1 through 50, be ordered to immediately request
12 and procure signatures from all prospective transferees, purchasers, lessees, or other
13 successors in interest to the subject Property, prior to the close of escrow, which
14 acknowledges his/her/its/their respective receipt of a complete, legible copy of any
15 temporary restraining order, and any preliminary or permanent injunction, and immediately
16 deliver a copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o
17 Deputy City Attorney Drew A. Robertson or her designee.

18 16. That Plaintiff recover the costs of this Action, including law enforcement
19 investigative costs and any fees, including all attorneys' fees authorized by law, from
20 Defendants and DOES 1 through 50.

21 AS TO THE SECOND CAUSE OF ACTION

22 1. That the Property, together with the fixtures and moveable property therein
23 and thereon, be declared a public nuisance and be permanently abated as such in
24 accordance with Civil Code section 3491.

25 2. That each Defendant and their agents, officers, employees and anyone acting
26 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined
27 from operating, conducting, using, occupying, or in any way permitting the use of the
28 Property as a public nuisance. Such orders should include closure of the Enigma Bar,

1 and/or physical and managerial improvements to the Property, including but not limited to:
2 an internet-connected video monitoring system accessible by LAPD; improved lighting; the
3 presence of armed, licensed security guards at the Property during all hours of operation;
4 and such other orders as are appropriate to remedy the nuisance on the Property and
5 enhance the abatement process.

6 3. That Plaintiff be awarded such costs as may occur in abating said nuisance at
7 the Property and such other costs as the Court shall deem just and proper.

8 4. That Plaintiff be granted such other and further relief as the Court deems just
9 and proper, including closure and/or demolition of the Property.

10 AS TO THE THIRD CAUSE OF ACTION

11 1. That each Defendant be declared in violation of Business and Professions
12 Code section 17200, *et seq.*

13 2. That each Defendant, as well as their agents, heirs, successors, and anyone
14 acting on their behalf, be permanently enjoined from maintaining, operating, or permitting
15 any unlawful or unfair business acts or practices in violation of Business and Professions
16 Code section 17200, *et seq.*

17 3. That the Court grant a preliminary and/or permanent injunction prohibiting
18 each Defendant, as well as their agents, heirs, successors, and anyone acting on their
19 behalf, from engaging in the unlawful or unfair acts and/or practices described herein at the
20 Property and in the City of Los Angeles. Such orders should include closure of Enigma Bar
21 and/or physical and managerial improvements to the Property.

22 4. That, pursuant to Business and Professions Code section 17206, each
23 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair
24 competition. Since each Defendant has engaged in a continuing nuisance, each day
25 constitutes an act of unfair competition and Defendant should be assessed a civil penalty
26 not to exceed \$3.65 million dollars.

27 5. That, pursuant to the Court's equitable power and Business and Professions
28 Code section 17203, the Court make such orders or judgments, including appointment of a

1 receiver, as may be necessary to prevent the use or employment by Defendants of any
2 practice which constitutes unfair competition.

3 AS TO ALL CAUSES OF ACTION

4 1. That Plaintiff recover the amount of the filing fees and the amount of the fee
5 for the service of process or notices which would have been paid but for Government Code
6 section 6103, designating it as such. The fees may, at the Court's discretion, include the
7 amount of the fees for certifying and preparing transcripts.

8 2. That Plaintiff be granted such other and further relief as the Court deems just
9 and proper.

10 DATED: December 5, 2018

Respectfully submitted,

11
12 MICHAEL N. FEUER, City Attorney
13 JONATHAN CRISTALL, Assistant City Attorney
14 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy
City Attorney

15
16 By: 

17 DREW A. ROBERTSON, Deputy City Attorney,
18 Attorneys for Plaintiff, THE PEOPLE OF THE
19 STATE OF CALIFORNIA
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